

EXHIBIT O

COPY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NANCY DeNARDI,

Plaintiff,

-- against --

DRA IMAGING, PC and IMAGING SUPPORT
SERVICES, LLC,

Defendants.

-----X

Friday, July 18, 2008
10:15 a.m.
Held at the Offices of
Keane & Beane PC
445 Hamilton Avenue
White Plains, New York

EXAMINATION BEFORE TRIAL of

HEATHER DeNARDI,

a Non-Party Witness, pursuant to Agreement,
before Linda P. Fabel, a Shorthand Reporter and
Notary Public within and for the State of New
York.

1 Heather DeNardi

2 advisement.

3 MR. KLEIN: As I was about to say,
4 we will put it in a --

5 MS. PERRY: I'll still take it
6 under advisement.

7 (Production request for transcript
8 for the spring '06 semester.)

9 Q. Prior to working for Victoria's
10 Secret, did you hold any other either full- or
11 part-time positions at all?

12 A. Yes.

13 Q. What positions did you hold?

14 A. Besides baby-sitting after school,
15 I worked at DRA Imaging.

16 Q. Any other employers besides DRA?

17 A. No.

18 Q. When did you first start at DRA?

19 A. Probably around September of 2004.

20 Q. What were you doing?

21 A. I did a lot of work, I pulled a lot
22 of files, made a lot of copies. I had a
23 different -- there were some days I just had
24 different jobs. I'd work with whoever needed
25 help.

1 Heather DeNardi

2 A. No.

3 Q. Did anyone ever ask you for a
4 schedule?

5 A. No.

6 Q. Did you report to anyone at DRA?

7 A. No.

8 Q. When you came in to work at DRA,
9 and let's focus on that year 2005, where did you
10 go?

11 A. When I first came in?

12 Q. Yes.

13 A. I would go, put my stuff down in my
14 mother's cubby, and I'd punch into work.

15 Q. How did you punch in?

16 A. The last four digits of Social
17 Security was the password.

18 Q. Explain what you would do.

19 A. I'd just go right over to the
20 computer, there would be a certain icon on the
21 computer to click, it would come up and you would
22 just type in the four digits as your password.

23 Q. And then what would you do after
24 you punched in?

25 A. I would -- I'd go find work.

1 Heather DeNardi

2 for two weeks in October and they didn't -- when
3 she first went in the hospital, she didn't know
4 it was cancer until after they did surgery.

5 Q. During those two weeks in October
6 that she was in the hospital, did you visit her?

7 A. Yes.

8 Q. How often?

9 A. Every day before I went to work.

10 Q. Did you see anyone from work
11 present at the hospital while you were there?

12 A. Yes.

13 Q. Who did you see?

14 A. I would see Ginny Barkiyani, Jackie
15 Bourne and Carol Gustin, and on a few other
16 occasions there was also Linda Furlano. Jane,
17 her last name slips my memory. Joanie Kilmer.

18 Q. How often did you see Ginny at the
19 hospital?

20 A. Almost every day.

21 Q. And what about Jackie?

22 A. Almost every day.

23 Q. What about Carol?

24 A. Almost every day.

25 Q. Was there anyone else from DRA that

1 Heather DeNardi

2 occasionally.

3 Q. Now, how do you know that you had
4 the conversation with Ginny and your mother at
5 8:30?

6 A. I remember, I remember it being
7 right around 8:30, I remember looking at the
8 clock and thinking I had to leave for school
9 soon, but it wasn't that time yet when my mom had
10 asked me.

11 Q. Your mom had asked you what?

12 A. She thought I had to get ready to
13 leave for school and she wanted me to go to the
14 clock and --

15 Q. You had a 9:00 o'clock class that
16 day?

17 A. No, I had to meet with the study
18 group that day.

19 Q. Who was in the study group?

20 A. Four or five members from my class.

21 Q. What were their names?

22 A. I don't remember.

23 Q. You don't remember any of them?

24 A. No, I don't. It was just a random
25 assignment, the groups. The only time I ever

1 Heather DeNardi

2 really spoke to them outside, outside the class
3 was in the study group.

4 Q. When did the study group first
5 meet?

6 A. In one of my classes. In one of my
7 criminal justice classes.

8 Q. How many times had you met prior to
9 that day on May 5th?

10 A. Probably about four or five times.

11 Q. How many times did you meet after
12 May 5th?

13 A. Two or three.

14 Q. How long were these study group
15 sessions?

16 A. They lasted anywhere from an hour,
17 hour and a half, to two hours.

18 Q. And what time did you leave DRA
19 that day?

20 A. A little bit after 9:00 o'clock.

21 Q. How do you know that?

22 A. Because I had to call my mother,
23 'cause I had forgotten to punch out of work.

24 Q. Didn't you testify you don't recall
25 the events of that day?

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A C K N O W L E D G E M E N T

I, HEATHER DeNARDI, hereby
certify that I have read the transcript
of my testimony taken under oath in my
deposition of July 18, 2008; that the
transcript is a true, complete and
correct record of what was asked,
answered and said during this deposition,
and that the answers on the record as
given by me are true and correct.

HEATHER DeNARDI

Subscribed and sworn to before me
this ____ day of _____, 2008.

NOTARY PUBLIC

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CERTIFICATE

I, LINDA P. FABEL, a Notary Public
within and for the State of New York, do
hereby certify:

That HEATHER DeNARDI, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that the
within transcript is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of
August, 2008.



LINDA P. FABEL